IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 5198 of 2007(R)

PETITIONER:

PULIKKILLATH SUDHAKARAN NARTHA,
S/O.RAJA RAJA VARMA, "SUDHALAYAM",
VAZHAKKALA SOUTH, THRIKKAKARA, ERNAKULAM.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

RESPONDENTS:
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1. MANIKANDAN ELAYIDAM,
S/O.NARAYANAN KARTHA, PUTHENMALIKAYIL,
PEEDIKAPPARAMBA, VAZHAKKALA VILLAGE,
ERNAKULAM DISTRICT.

2. DINACHANDRAN, S/O.BALAKRISHNAN
ELAYIDAM, DO.

3. RAJESH, S/O.BALAKRISHNAN ELAYIDAM,
DO. DO.

4. SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION, THRIKKAKARA,
ERNAKULAM DIST.

5. CIRCLE INSPECTOR OF POLICE,
KALAMASSERY, ERNAKULAM DISTRICT.

6. ASSISTANT COMMISSIONER OF POLICE,
THRIKKAKARA, ERNAKULAM DISTRICT.

BY ADV. SRI.P.GOPINATH MENON FOR R1 TO R3
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).5198/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF JUDGMENT IN O.S.246/1976 OF MUNSIFF'S COURT, ERNAKULAM DATED 26.10.1989.

EXT.P2: COPY OF JUDGMENT IN A.S.2 OF 1991 DISTRICT COURT, ERNAKULAM DATED 23.7.1991.

EXT.P3: COPY OF JUDGMENT IN S.A.NO.977/1991 HIGH COURT OF KERALA DATED 21.1.2004.

EXT.P4: COPY OF ORDER IN R.P.NO.927/2004 DATED 12.1.2005 HIGH COURT OF KERALA.

EXT.P5: COPY OF DELIVERY KYCHIT DATED 4.4.2006 SUBMITTED BY AMIN.

EXT.P6: COPY OF REPRESENTATION DATED 16.1.2007 SUBMITTED BY PETITIONER TO 4TH RESPONDENT.

EXT.P7: COPY OF RECEIPT DATED 17.1.2007 ISSUED BY 4TH RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R1(A): COPY OF THE DOCUMENT EXECUTED BY THE MAJORITY OF THE MEMBERS OF THE MANNADIKAVU DEVASWOM DATED 5.1.2006.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.5198 OF 2007 (R)

Dated this the 22nd day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. It is the case of the petitioner that in spite of the disposal of the suit O.S.No.246/1976 which was affirmed by the District Court in A.S.No.2/1991 and S.A.No.977/1991 by this Court police is refusing to give protection and it is also stated that on 4.4.2006 delivery of possession was also given to the petitioner by Ext.P5. Ext.R1 is prior to the Ext.P5 delivery order. In a petition under Article 226 of the Constitution of India, this Constitutional Court is not deciding the merits of the civil disputes. If the respondents have any objection, it is for them to get orders from the civil court. Police is bound to see that civil court orders are obeyed and give protection as and when necessary. In this connection we refer the decision in ***P.R.Murlidharan v. Swamy Dharmananda Theertha***

Padar (2006 (4) SCC 501). With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007